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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE DIVISION)

In re:

EXDS, INC. (f/k/a EXODUS
COMMUNICATIONS, INC.), et al.,
Debtor.

Case No. C05-787 PVT

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING AND
BRIEFING DATES FOR SHARP
DEVELOPMENT COMPANY, INC. AND
SHARP LAFAYETTE LLC'S MOTION
FOR PARTIAL SUMMARY JUDGMENT**

EXDS, INC. (f/k/a EXODUS
COMMUNICATIONS, INC.),

Plaintiff,

v.

DEVCON CONSTRUCTION, INC.,
SHARP DEVELOPMENT COMPANY,
INC., and SHARP LAFAYETTE, LLC,

Defendants.

1 The parties to this action hereby agree that this Stipulation be entered, subject to the approval
2 of the Court, as follows:

3 WHEREAS the hearing on Sharp Development Company, Inc. and Sharp Lafayette LLC's
4 ("Sharp's") Motion for Partial Summary Judgment is currently set for July 12, 2005 at 10:00 a.m.;

5 WHEREAS EXDS' Opposition to the Motion is currently due on June 7, 2005;

6 WHEREAS Sharp's Reply in support of the Motion is currently due on June 24, 2005;

7 WHEREAS the deposition of Janice Fetzer is currently scheduled for June 28, 2005 (subject to
8 Ms. Fetzer's availability);

9 WHEREAS the parties wish to complete the deposition of Ms. Fetzer prior to filing their
10 Opposition and Reply papers;

11 IT IS HEREBY STIPULATED AND AGREED THAT, subject to Court approval, the hearing
12 on Sharp's Motion shall be continued from July 12, 2005 to August 2, 2005. The parties propose the
13 following briefing schedule:

- 14 • EXDS's Opposition Brief due July 8, 2005;
- 15 • Sharp's Reply Brief due July 19, 2005;
- 16 • Hearing on Sharp's Motion on August 2, 2005

17 STIPULATED AND AGREED:

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20 Dated: June 6, 2005

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

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22 By: _____/s/
Kenneth E. Keller
23 Attorneys for EXDS, Inc.

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25 Dated: June 6, 2005

HOPKINS & CARLEY

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27 By: _____/s/
Jay M. Ross
28 Attorneys for Sharp Development Company, Inc.
and Sharp Lafayette LLC

ORDER

The parties having stipulated, and good cause appearing, the hearing on Sharp Development Company, Inc. and Sharp Lafayette LLC's Motion for Partial Summary Judgment is continued to **August 2, 2005 at 10:00 a.m.** and that the following briefing schedule shall apply:

- EXDS's Opposition Brief is due **July 8, 2005**; and
- Sharp's Reply Brief is due **July 19, 2005**.

IT IS SO ORDERED.

Dated: 6/8/05

/s/ Patricia V. Trumbull

THE HON. ~~C. M. K.~~ MAGISTRATE JUDGE
PATRICIA V. TRUMBULL